



DEPARTMENT OF THE ARMY

MOBILE DISTRICT, CORPS OF ENGINEERS

P.O. BOX 2288

MOBILE, ALABAMA 36628-0001

REPLY TO
ATTENTION OF:

June 26, 2003

Regulatory Branch
Operations Division

SUBJECT: Department of the Army Permit Application Number
AL02-01214-L, Eugene A. Wimpee

Mr. Eugene A. Wimpee
6425 Cottage Hill Road
Mobile, Alabama 36695

Dear Mr. Wimpee:

Reference is made to your request for a Department of the Army permit to maintain and complete the fill of approximately 0.38 acre of forested wetland already started without Department of the Army authorization. The project is located on Weeks Bay, 11030 B Baudin Lane, Lots 26-27, Magnolia Landing Subdivision, Magnolia Springs, Baldwin County, Alabama.

Evaluation of your permit application included publication of a 30-day public notice and coordination with Federal and State agencies, and the public. On August 1, 2002, copies of the correspondence received during the public notice comment period were forwarded to the Alabama Department of Environmental Management (ADEM) with a request for its determination of consistency with Alabama's Coastal Area Management Program and Section 401 water quality certification.

Department of the Army permit regulations at 33 CFR 325.2(b)(2)(ii) states: "If the State agency objects to the certification or issues a decision indicating that the proposed activity requires further review, the District Engineer shall not issue the permit until the State concurs with the certification statement or the Secretary of Commerce determines that the proposed activity is consistent with the purposes of the Coastal Zone Management Act or is necessary in the interest of national security."

Enclosed is a letter dated June 4, 2003, from ADEM which objects to your determination that your proposal is consistent with the Alabama Coastal Area Management Program. Based upon this determination and in accordance with the above cited regulatory authority, I hereby deny Permit Application Number AL02-01214-L without prejudice.

As noted in the ADEM letter, you have the right to appeal its decision to the U.S. Secretary of Commerce within 30 days. Should you appeal, please provide this office with a copy of your appeal. Should you not appeal, request that you immediately remove the fill from the forested wetlands.

Should you have any questions or require further assistance, please call Mr. Chuck Sumner at (334) 694-3792

BY AUTHORITY OF THE SECRETARY OF THE ARMY:

ROBERT B. KEYSER
Colonel, Corps of Engineers
District Engineer

BY:

RONALD A. KRIZMAN
Chief, Regulatory Branch
Operations Division

Enclosure

EC5 6/24/03
Sumner/3792/dh
Findley 08/06/03
Krizman *[signature]*
File 7/1/02

2/1/0